

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re:)	
)	Chapter 11
MURRAY ENERGY HOLDINGS CO., <i>et al.</i> , ¹)	
)	Case No: 19-56885
)	
)	Judge John E. Hoffman, Jr.
)	
Debtors.)	(Jointly Administered)
)	

**MOTION OF UNITED STATES TRUSTEE FOR
ENTRY OF AN ORDER APPOINTING FEE EXAMINER AND
ESTABLISHING RELATED PROCEDURES FOR THE REVIEW OF FEE
APPLICATIONS OF RETAINED PROFESSIONALS**

Andrew R. Vara, United States Trustee for Region 9 (the “United States Trustee”), by and through his undersigned counsel, hereby moves this Court for entry of an order appointing Robert J. Keach (“Keach”) as fee examiner in these chapter 11 cases, and establishing related procedures for the review of fee applications of retained professionals (the “Motion”). In support thereof, the United States Trustee alleges the following:

Jurisdiction

1. The Court has jurisdiction over this matter under 28 U.S.C. § 1334(a) and (b); 28 U.S.C. §§ 157(a) and (b); and 28 U.S.C. § 151, and General Order No. 05-02 entered on October

¹ Due to the large number of Debtors in these chapter 11 cases, for which joint administration has been granted, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. Such information may be obtained on the website of the Debtors’ claims and noticing agent at <https://cases.primeclerk.com/MurrayEnergy>. The location of Debtor Murray Energy Corporation’s principal place of business and the Debtors’ service address in these chapter 11 cases is 46226 National Road, St. Clairsville, Ohio 43950.

24, 2005 by the United States District Court. This is a core proceeding pursuant to 28 U.S.C. § 307 and 28 U.S.C. § 586(a)(5).

2. Under 28 U.S.C. § 586, the United States Trustee is generally charged with monitoring the federal bankruptcy system. See Morgensetern v. Revco D.S., Inc. (In re Revco D.S., Inc.), 898 F.2d 498, 500 (6th Cir. 1990) (describing the United States Trustee as a “watchdog”).

3. Pursuant to 28 U.S.C. § 586(a)(5) and section 307 of title 11 of the United States Code (the “Bankruptcy Code”), the United States Trustee has standing to file this Motion.

Background

4. On October 29, 2019 (the “Petition Date”), each of the Debtors filed a petition for relief under chapter 11 of the Bankruptcy Code.

5. On November 7, 2019, the United States Trustee appointed the official committee of unsecured creditors (the “Committee”). See Docket No. 168.

6. This Motion is being filed pursuant to and in compliance with the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. § 330, at C.F.R. Part 58, Appendix A, and the Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed under 11 U.S.C. § 330 by Attorneys in Larger Chapter 11 Cases Effective as of November 1, 2013, at 28 C.F.R. Part 58, Appendix B (collectively the “United States Trustee Guidelines”). The Debtors, the Committee, and the United States Trustee have conferred regarding the appointment of a fee examiner and the establishment of related procedures, and have agreed to submit Keach to the

Court as proposed fee examiner in these chapter 11 cases. The Declaration of Robert J. Keach in Support of Order Appointing Robert J. Keach as Fee Examiner is attached hereto as Exhibit A.

Relief Requested

7. Based on the foregoing, the United States Trustee is requesting that the Court enter a proposed form of order (the “Proposed Order”), a copy of which is attached hereto as Exhibit B, approving the appointment of Keach as fee examiner in these chapter 11 cases and establishing certain procedures in connection therewith.

WHEREFORE, the United States Trustee respectfully requests the entry of the Proposed Order substantially in the form attached hereto as Exhibit B, and such further relief as the Court may deem appropriate.

Dated: February 25, 2020

Respectfully Submitted:

Andrew R. Vara
United States Trustee
Regions 3 and 9

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CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2020, the foregoing MOTION OF UNITED STATES TRUSTEE FOR ENTRY OF AN ORDER APPOINTING FEE EXAMINER AND ESTABLISHING RELATED PROCEDURES FOR INTERIM COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR PROFESSIONALS was served via the Court's Electronic Case Filing System to all participants registered in this case at the email address registered with the Court as follows:

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